

### **REMARKS/ARGUMENTS**

This paper is in reply to an Office Action mailed on June 19, 2006. The above-mentioned patent application, filed on August 6, 2003, presents Claims 1 through 46, inclusive.

Applicants have amended the Specification to state that the claimed invention arose under the enumerated DOE Cooperative Agreement and that the Government has certained rights in the invention. The amendment does not present new matter.

The Examiner has lodged a restriction requirement under 35 U.S.C. 121, stating the patent application presents the following distinct inventions as set forth in Groups I through IV, inclusive. Applicants note that Groups I through IV do not include Claim 30. Since Claim 30 depends from Claim 28 (which the Examiner has placed in Group I) Applicants have included Claim 30 in Group I for the purpose of responding to this restriction requirement:

**Group I**, which presents Claims 1-28 and 30-34, drawn to an ion transport membrane system and method for recovery of oxygen from an oxygen containing gas, classified in class 96, subclass 4;

**Group II**, which presents Claim 29, drawn to an ion transport membrane system, classified in class 96, subclass 10;

**Group III**, which presents Claims 35-41, drawn to an oxidation process, classified in class 423, subclass 219; and

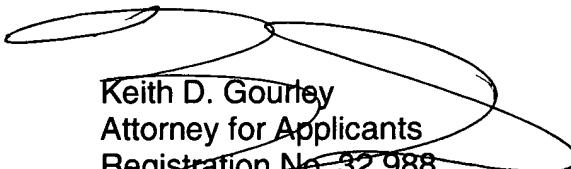
**Group IV**, which presents Claims 42-46, drawn to an ion transport membrane reactor system, classified in class 422, subclass 177.

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Applicants respectfully elect without traverse to prosecute the invention according to **Group I** (Claims 1-28 and 30-34) in the present patent application. Therefore, the inventions according to **Groups II, III and IV**, have been withdrawn pursuant to this restriction requirement. Applicants expressly reserve the right to prosecute the inventions of **Groups II, II and IV** in one or more separate patent applications.

Applicants acknowledge their obligation under 37 CFR 1.48(b) to review inventorship of the pending patent application in view of cancellation of the Claims to the non-elected inventions. No amendment of inventorship is required due to cancellation of the Claims of **Group II, III and IV**, drawn to the non-elected inventions. Believing the application is in condition for allowance, Applicants respectfully solicit an action to that effect.

Respectfully submitted,

  
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